

NOV 10 2010

Attorney Docket No.: 20208.0002U1
Patent No.: 6,302,845IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

NOV 26 2010

OFFICE OF PETITIONS

In re

WILLIAM TAO SHI et al.

Art Unit: 3737

Application No. 09/272,764

Examiner: Jaworski, Francis J.

Filing Date: March 19, 1999

Confirmation No. 6065

For: METHOD AND SYSTEM FOR
PRESSURE ESTIMATION USING
SUBHARMONIC SIGNALS FROM
MICROBUBBLE-BASED
ULTRASOUND CONTRAST AGENTS

RESPONSE TO REQUEST FOR INFORMATION

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Ballard Spahr LLP
Customer Number 23859

November 10, 2010

Sir:

Patentees are in receipt of a Request for Information mailed September 10, 2010. In the Request, Patentees are asked to provide additional information in support of a Petition to Accept Unavoidably Delayed Payment of Maintenance Fees under 37 C.F.R. 1.378(b). In particular, Patentees are asked to describe the steps that were in place to ensure that the maintenance fee was timely paid. In response, Patentees attach hereto an affidavit of Steven E. McKenzie, Vice President for Research, overseeing the Thomas Jefferson University Office of Technology Transfer & Business Development, detailing the business practices in place to ensure the timely payment of maintenance fees.

Atlanta #1115889 v1

NOV 10 2010

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No fees are believed due; however, Patentees authorize the Commissioner to charge to

Deposit Account No. 14-0629 any fees that are required.

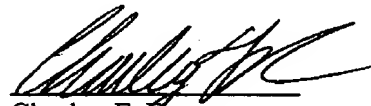
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Respectfully submitted,

Ballard Spahr LLP



Charley F. Brown

Registration No. 52,658

Ballard Spahr LLP

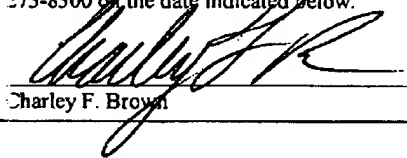
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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at 571-273-8300 on the date indicated below.



Charley F. Brown

11/10/10
Date

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AFFIDAVIT OF STEVEN E. McKENZIE

I, Steven E. McKenzie, Vice President for Research, overseeing Thomas Jefferson University Office of Technology Transfer & Business Development (the "OTT"), declare as follows:

1. I make the following statements to describe the steps that were in place to ensure that the maintenance fee was timely paid, as a showing that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure timely payment.

- a. Since July 1, 2003, the OTT has engaged outside counsel to manage all patent prosecution related matters, including the payment of maintenance fees.
- b. Because outside counsel handles all patent prosecution related matters for the OTT, OTT transferred all available patent files to outside counsel.
- c. A full time person was also put in place to coordinate the communication between OTT and the engaged law firms.
- d. Once outside counsel receives the patent files, it is their responsibility to track all due dates and timely pay all maintenance fees.
- c. To date, outside counsel has successfully tracked and paid all maintenance fees due in other OTT cases in a timely fashion.

Atlanta #1115850 v1

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- f. In practice, the OTT's system for handling its patent cases works as follows: (1) in the case of patents and patent applications initiated and filed before July 1, 2003, by Thomas Jefferson University Office of University Counsel, if, and when, the OTT receives a communication directly from the USPTO that communication is entered into the OTT's database. The database does not generate reminders of pending due dates, but rather serves as a storehouse of records. Once entered into the database, the OTT forwards the communication to outside counsel, who then takes over the responsibility of docketing that communication and keeping track of all pending due dates, and (2) in the case of patents and patent applications initiated and filed after July 1, 2003, for which the OTT has engaged outside counsel, if, and when, outside counsel receives a communication from the USPTO, outside counsel has the responsibility of docketing that communication and keeping track of all pending due dates. Outside counsel forwards that communication to the OTT, and the OTT enters the communication into the OTT's database, but merely for record-keeping purposes.
 - g. In the case of the '845 Patent, once the OTT received the Notice of Expiration from the USPTO on December 22, 2005, it was entered into the OTT's record keeping database by the receptionist. Shortly thereafter, however, the receptionist resigned from employment and thus the Notice of Expiration was apparently never forwarded to outside counsel, as per the system for handling patent cases in place at the time.
 - h. Utilizing the new system, which the OTT has relied on since 2003, case files and communications from the USPTO have been successfully either (1) received by the OTT and forwarded to outside counsel, and outside counsel has, in turn, successfully tracked and paid the maintenance fees in all other OTT cases or (2) received by outside counsel, who has successfully tracked and reminded the OTT of all pending due dates and has also timely paid the maintenance fees in all other OTT cases.
 - i. Therefore, there was no reason for the OTT to believe the system would not work in the case of the '845 Patent.
 - j. The OTT discovered the need to revive the '845 Patent in 2009, and at that time promptly hired outside counsel and has since diligently pursued revival of the '845 Patent.
2. Thomas Jefferson University further declares that all statements made herein of its own knowledge are true and that all statements made upon information and belief are believed to be true.

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Steven E. McKenzie MD, PhD
Steven E. McKenzie

11/10/10
DATE

State of Pennsylvania

County of Philadelphia

On this 10th day of November, 2010, before me, a Notary Public, came Steven E. McKenzie, to me known and known to be the individual described in and who executed the foregoing affidavit, and he/she duly acknowledged the same to be his/her free act and deed.

PM Berg
Notary Public

My Commission Expires: January 8, 2012

